



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,530	08/09/2001	Chien-An Chen	0941-0299P-SP	1974

2292 7590 02/08/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,530

Applicant(s)

CHEN, CHIEN-AN

Examiner

Sara M Hanne

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, ~~12~~ and ~~15~~ 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2179

DETAILED ACTION

Examiner notes Claims 1-5, 7-9 and 12-17 are now pending in this application.

Examiner further notes cancelled Claims 6, 10-11 and 13.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-8, 12-17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yanker, US Patent 5249363, and in further view of Clark et al., US Patent 5995101.

As in Claim 1, Yanker teaches storing an object (image, Ref. 14, Figure 1) and function (color blocks) in the system, outputting a preview generated by applying the function to the object when the pointer is moved onto the icon ("subroutine tests whether cursor 54 has been moved to a new color block", Column 8, lines 14-15), wherein the function applies an effect to the object (changing the color is a function of the program and the effect is the new color image) and the object is replaced with the result of the function's application to the object ("and image are all simultaneously altered to show the new target and ramp colors", Column 8, lines 26-27) when an event is triggered ("If the user is

Art Unit: 2179

satisfied ... the color selection indicated by cursor 72 is fixed in the indicated image color block", Column 7, lines 12-16). Yanker further teaches an audio-visual editing system (Column 3, lines 6-25). While Yanker teaches such a audio-visual editing system with preview editing for images, they fail to show the period of time the cursor is positioned over the icon required activate the preview as in Claim 1. In the same field of the invention, Clark et al. teaches an audio-visual editing system similar to that of Yanker. In addition, Clark et al. further teaches a preview (tool tip) to be outputted when a pointer is moved onto an icon for a period of time (Column 3, lines 8-19). It would have been obvious to one of ordinary skill in the art, having the teachings of Yanker and Clark et al. before him at the time the invention was made, to modify the application of a function on an object when a cursor is position on the function's icon taught by Yanker to include the period of time for cursor activation of Clark et al., in order to obtain a preview editing system activated by a cursor positioned over a function icon for a period of time. One would have been motivated to make such a combination because a way to a time based activation for the preview of a function's effects on a object would have been obtained, as taught by Clark et al.

As in Claim 2, Yanker teaches the object to be a multimedia object ("audio/visual presentations", Column 3, line 8).

As in Claim 3, Yanker teaches the object to be an image (Ref. 14, Figure 1).

As in Claim 4, Yanker teaches the object to be one of video (storyboard)

Art Unit: 2179

As in Claim 7, Yanker teaches the function to apply an image effect to the object (color modification tool).

As in Claim 8, Yanker teaches the function to apply a video effect to the object (color modification tool).

As in Claim 12, Yanker teaches the pointing device as a mouse ("The cursor may be controlled from a keyboard or from another input device, such as a Mouse.", Column 3, lines 2-4).

As in Claim 13, Yanker teaches the event is clicking the icon (Column 6, line 59 – Column 7, line 16).

As in Claim 14, Yanker teaches the preview to be output by the display ("The display is adapted to show an image", Column 2, line 69).

As in Claim 15, Yanker teaches the processing system further comprising a speaker (Column 3, lines 6-25).

As in Claim 16, Yanker teaches terminating outputting the preview when the pointer is moved out of the icon (See Claim 11 rejection *supra*).

As in Claim 17, Yanker teaches the application result replacing the object is the preview ("the new color is to be stored in the initial palette color block, displayed in the image, etc.", Column 7, lines 65-67).

3. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanker, US Patent 5249363, and in further view of Ando et al., US Patent 6587123.

Art Unit: 2179

Yanker teaches storing an object and function in a system, outputting a preview generated by applying the function to the object when the pointer is moved onto the icon, and the object is replaced with the result of the function's application to the object (See Claim 1 rejection *supra*). Yanker further teaches an audio-visual editing system (Column 3, lines 6-25). While Yanker teaches such a audio-visual editing system with preview editing for images, they fail to show the details of preview editing for sound, as in Claim 5, nor do they show the function applied to be sound effect, as in Claim 9. In the same field of the invention, Audio et al. teaches an interface for an audio-visual editing system (Figure 7) similar to that of Yanker. In addition, Ando et al. further teaches the object to be a sound ("audio materials", Column 7, line 33) and to have functions that apply a sound effect to the object (Figure 6 and Column 11, line 34 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Yanker and Ando et al. before him at the time the invention was made, to modify the application of a function on an object when a cursor is position on the function's icon taught by Yanker to include the audio objects being edited and audio effects as the functions of Ando et al., in order to obtain a preview editing system for not only images but audio objects as well that is activated by a cursor positioned over a function icon for a period of time. One would have been motivated to make such a combination because a way to view the effects functions have on sound by a hovering cursor would have been obtained, as taught by Ando et al.

Response to Amendment

4. Applicant's arguments with respect to the amended claims have been fully considered but they are not persuasive.

With respect to the argument that the Yanker reference has failed to teach the limitation "applying a function to a object", the examiner feels that this is clearly taught through applying a color change to the object. With respect to the argument that the "Color changing alone cannot be interpreted as applying an effect to an object." the examiner disagrees. In accordance with the reference AND the claims as presented, a pre-stored function (ie. function code with the program to change the color to pink or blue, etc.) corresponding to the color effect is applied to the image and a resulting image appears. Therefore Yanker does teach an outputting a preview generated by applying the function to the object when the pointer is moved onto the icon. If the effect is to be limited to edging and brushing alone then that limitation should be added to the independent Claims in order to narrow the scope and possibly overcome the rejection as it stands.

Clark is relied upon by the examiner to teach a predefined amount of time before presenting a preview (although text based) to be displayed to the user. This set amount of time solves the problem of previewing an effect without the user's intention, which is the same deficiency for which Clark is relied upon. Upon further consideration of Claim 1, the limitation does not even require the amount of time to be predefined, and could be inherently read into Yanker. However Clark is cited to support the rejection further.

Art Unit: 2179

Conclusion

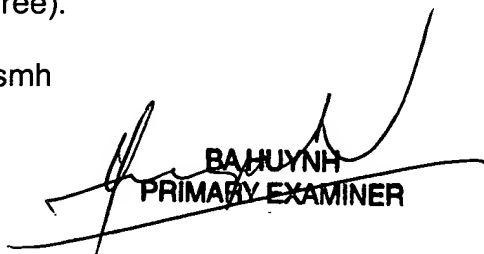
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar editing systems and preview means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


BA HUYNH
PRIMARY EXAMINER